

STATE LIABILITY PROTECTION FOR SCHOOL EMPLOYEES

2016 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill modifies provisions relating to public school participation in the Risk Management Fund.

Highlighted Provisions:

This bill:

- modifies certain deadlines related to public school employee participation in the Risk Management Fund.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63A-4-204, as last amended by Laws of Utah 2008, Chapter 382

63A-4-204.5, as last amended by Laws of Utah 2008, Chapter 382

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **63A-4-204** is amended to read:

63A-4-204. School district participation in Risk Management Fund.

(1) (a) For the purpose of this section, action by a public school district shall be taken upon resolution by a majority of the members of the school district's board of education.

(b) (i) Upon approval by the state risk manager and the board of education of the school district, a public school district may participate in the Risk Management Fund and may permit a foundation established under Section 53A-4-205 to participate in the Risk Management Fund.

(ii) Upon approval by the state risk manager and the State Board of Education, a state public education foundation may participate in the Risk Management Fund.

(c) Subject to any cancellation or other applicable coverage provisions, either the state risk manager or the public school district may terminate participation in the fund.

(2) The state risk manager shall contract for all insurance, legal, loss adjustment, consulting, loss control, safety, and other related services necessary to support the insurance program provided to a participating public school district, except that all supporting legal services are subject to the prior approval of the state attorney general.

(3) (a) The state risk manager shall treat each participating public school district as a state agency when participating in the Risk Management Fund.

(b) Each public school district participating in the fund shall comply with the provisions of this part that affect state agencies.

(4) (a) ~~[By no later than March 31 of each]~~ Each year, the risk manager shall prepare, in writing, the information required by Subsection (4)(b) regarding the coverage against legal liability provided a school district employee of this state:

(i) by the Risk Management Fund;

(ii) under Title 63G, Chapter 7, Governmental Immunity Act of Utah; and

(iii) under Title 52, Chapter 6, Reimbursement of Legal Fees and Costs to Officers and Employees Act.

(b) (i) The information described in Subsection (4)(a) shall include:

(A) the eligibility requirements, if any, to receive the coverage;

(B) the basic nature of the coverage for a school district employee, including what is not covered; and

(C) whether the coverage is primary or in excess of any other coverage the risk manager knows is commonly available to a school district employee in this state.

(ii) The information described in Subsection (4)(a) may include:

(A) comparisons the risk manager considers beneficial to a school district employee between:

(I) the coverage described in Subsection (4)(a); and

(II) other coverage the risk manager knows is commonly available to a school district employee in this state; and

(B) any other information the risk manager considers appropriate.

(c) ~~[The]~~ By no later than July 1 of each year, the risk manager shall provide the

information prepared under this Subsection (4) to each school district that participates in the Risk Management Fund.

(d) A school district that participates in the Risk Management Fund shall provide a copy of the information described in Subsection (4)(c) to each school district employee within the school district[:] no later than the first day of each school year.

~~[(i) at the time an employee enters into an employment contract and signs a separate acknowledgment of legal liability protection in accordance with Section 53A-3-411; or]~~

~~[(ii) if the school district does not provide the information to the employee pursuant to Subsection (4)(d)(i):]~~

~~[(A) within 30 days of the day the school district employee is hired by the school district; and]~~

~~[(B) by no later than April 15 of each calendar year:]~~

(e) If a school district hires an employee after the first day of the school year, no later than 10 days after the day on which the employee is hired, the school district shall provide the information described in Subsection (4)(c) to the employee.

Section 2. Section **63A-4-204.5** is amended to read:

63A-4-204.5. Charter school participation in Risk Management Fund.

(1) A charter school established under the authority of Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act, may participate in the Risk Management Fund upon the approval of the state risk manager and the governing body of the charter school.

(2) (a) For purposes of administration, the state risk manager shall treat each charter school participating in the fund as a state agency.

(b) Each charter school participating in the fund shall comply with the provisions of this part that affect state agencies.

(3) (a) ~~[By no later than March 31 of each]~~ Each year, the risk manager shall prepare, in writing, the information required by Subsection (3)(b) regarding the coverage against legal liability provided a charter school employee of this state:

(i) by the Risk Management Fund;

(ii) under Title 63G, Chapter 7, Utah Governmental Immunity Act of Utah; and

(iii) under Title 52, Chapter 6, Reimbursement of Legal Fees and Costs to Officers and Employees Act.

95 (b) (i) The information described in Subsection (3)(a) shall include:
96 (A) the eligibility requirements, if any, to receive the coverage;
97 (B) the basic nature of the coverage for a charter school employee, including what is
98 not covered; and
99 (C) whether the coverage is primary or in excess of any other coverage the risk
100 manager knows is commonly available to a charter school employee in this state.

101 (ii) The information described in Subsection (3)(a) may include:
102 (A) comparisons the risk manager considers beneficial to a charter school employee
103 between:
104 (I) the coverage described in Subsection (3)(a); and
105 (II) other coverage the risk manager knows is commonly available to a charter school
106 employee in this state; and
107 (B) any other information the risk manager considers appropriate.

108 (c) ~~[The]~~ By no later than July 1 of each year, the risk manager shall provide the
109 information prepared under this Subsection (3) to each charter school that participates in the
110 Risk Management Fund.

111 (d) A charter school that participates in the Risk Management Fund shall provide a
112 copy of the information described in Subsection (3)(c) to each charter school employee within
113 the charter school~~[-]~~ no later than the first day of each school year.

114 ~~[(i) within 30 days of the day the charter school employee is hired by the charter~~
115 ~~school, and]~~

116 ~~[(ii) by no later than April 15 of each calendar year.]~~

117 (e) If a charter school hires an employee after the first day of the school year, no later
118 than 10 days after the day on which the employee is hired, the charter school shall provide the
119 information described in Subsection (3)(c) to the employee.